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VIA ECF

March 29, 2021

MEMO ENDORSED

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Lehman Brothers Holdings Inc. v. Lending Tree, LLC et al.*, No. 1:21-cv-02574-KPF
Defendants' Consent Request for Extension of Time to Respond to Complaint

Dear Judge Failla:

On March 22, 2021, the United States District Court for the District of Minnesota (the "Minnesota District Court") ordered the case captioned *Lehman Brothers Holdings Inc. v. Lending Tree, LLC et al.*, No. 0:20-cv-01351 (D. Minn.) be transferred to the United States Bankruptcy Court for the Southern District of New York (the "New York Bankruptcy Court") because it determined the case is related to *In re Lehman Brothers Holdings Inc.*, No. 1:08-bk-13555-scc (Bankr. S.D.N.Y.). [ECF 48.] On March 25, 2021, the Clerk for the Minnesota District effected a transfer of that case to this Court, which is the above-captioned case. The case, however, has not yet been referred to the New York Bankruptcy Court.

Defendants LendingTree, LLC and LendingTree, Inc. respectfully request an extension of time to respond further to Plaintiff's complaint until 14 days after the case is docketed in the New York Bankruptcy Court.

The order transferring this case granted, in part, Defendants' motion to dismiss Plaintiff's complaint or, in the alternative, to transfer venue or compel arbitration [ECF 23]. It is unclear whether the order granting, in part, Defendants' motion started the 14-day clock for Defendants to respond to the complaint after denial of a Rule 12 Motion. *See* Fed. Rule 12(a)(4)(A). Given that uncertainty and the change of venue and pending referral to the Bankruptcy Court, Defendants request an extension of their deadline to respond further to the complaint until 14 days after the case has been docketed in the New York Bankruptcy Court.

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Plaintiff does not oppose this extension. The parties previously stipulated to a briefing schedule on Defendants' motion to dismiss, but this is Defendants' first request for an extension. The requested extension will not otherwise affect the case schedule.

Respectfully submitted,

/s/ C. Lee Wilson

C. Lee Wilson
Counsel for Defendants

cc: Counsel of record (via ECF)

Application GRANTED.

Dated: March 30, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE